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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,501	01/26/2001	Carlos Arteaga	40922M0021	6129
7590	02/09/2005			EXAMINER OSMAN, RAMY M
Smith, Gambrell & Russell, LLP Suite 800 1850 M Street, N.W. Washington, DC 20036			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/769,501	ARTEAGA, CARLOS	
	Examiner	Art Unit	
	Ramy M Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 October 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-5,7-11,13-20 and 22 is/are rejected.
 7) Claim(s) 6,12,17,21 and 22 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Status of Claims

1. This communication is responsive to the amendment filed on October 7, 2004. Applicant amended claims 1,7 and 18. No claims were cancelled. Claims 1-22 are pending.

Claim Objections

2. Claims 17 and 22 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claims. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent or independent form.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17 and 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-5,7-11,13-20 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al (US Patent No 6,065,043) in view of Nahi et al. (US Patent No 6,052,120).**

7. In reference to claims 1,7 and 18, Domenikos teaches a system and a method, and a method of communication operative over a communications network, said comprising:

a server computer including a communication control device for sending and receiving messages over the network and an operating system, said server having access to a data base storing dedicated application dedicated to said system and executable by said operating system (Abstract and column 8 lines 40-67, Domenikos discloses a server with a communication device, server has access to storage that has stored applications); and

at least one thin-client device including display means, an external communication device for sending to and receiving messages from said server computer over said network, and dedicated client means for controlling said display means and said external communication device, said dedicated client means interpreting messages received from said server computer and generating messages recognizable by said server, said messages sent between said server computer and said client device conforming to a control-oriented protocol that restricts message

communication to only messages describing certain preselected events associated with the dedicated application (column 9 line 34-50, column 10 line 30-50, column 11 lines 35-52 and column 14 lines 50-67, Domenikos discloses a client with a telecommunications element for interpreting messages from server and sending messages to server, where communication messages are preselected events).

Domenikos fails to teach wherein the client is a thin client. However, Nahi teaches thin-clients accessing applications from a host (column 6 lines 75-67, column 11 lines 47-67 and column 13 lines 1-40).

It would have been obvious for of ordinary skill in the art to modify Domenikos by making the client in the client access system a thin-client as per the teachings of Nahi so that all available types of client communication devices can access applications remotely.

8. In reference to claims 2,3 and 8, Domenikos teaches a thin-client system and method as claimed in claims 1 and 7 respectively, wherein said preselected events include user control events caused by user action at said client device, each of said user control events being recognizable by a dedicated application running on said server as indicative of a certain control of said running application that is associated with said one of said preselected events and that is operable by a user at said client device to control said running application (column 4 line 45 – column 5 line 67, column 12 lines 5-50 and column 13 line 45 – column 14 line 67),

and wherein a message from said client device to said server includes data representative of said one preselected event and excludes data representative of other user action performed in operation of said associated application control but not representative of said one event (column 9, column 13 line 45 – column 14 line 67 and column 21).

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9. In reference to claims 4 and 5, Domenikos fails to explicitly teach a thin-client system as claimed in claim 3, wherein said control oriented protocol is overlaid on a standard wireless communication protocol; and also comprising plural communication networks, plural server computers and plural client devices. However, Nahi teaches a thin client system operating in a wireless environment and also where there can be plural networks, hosts and clients (column 6 lines 75-67, column 11 lines 47-67 and column 13 lines 1-40).

It would have been obvious for of ordinary skill in the art to modify Domenikos by making the client operate in a wireless environment as per the teachings of Nahi so that all available types of client communication devices, including wireless devices, can access applications remotely.

10. In reference to claim 9, Domenikos teaches a method as claimed in claim 8, further comprising the steps of, at said application, determining whether said application control recognized in said interpreting step necessitates a change in a user interface created by said application, and in a case where said application control necessitates a change in said user interface, generating a message descriptive of a change user interface event recognizable by said client device as indicative of an updated user interface and creating said updated user interface at said application (column 9 line 34-50, column 11 lines 35-52 and column 14 lines 50-67); and transmitting said change user interface message to said client device whereupon said client device interprets said transmitted change user interface message to recognize how a corresponding user interface presented at said client device should be changed to correspond to said update user interface created at said application (column 14 lines 50-67 and column 20 line 55 – column 21 line 55).

11. In reference to claim 10, Domenikos teaches a method as claimed in claim 9, further comprising the steps of at said client device,

generating a message descriptive of a Hardware event recognizable by said application as indicative of a certain condition at said client device, each Hardware event being recognizable by said application as an event either caused by user action or caused by said client device without user action; and transmitting said messages descriptive of Hardware events over said network to said application (column 14 lines 50-67).

12. In reference to claim 11, Domenikos teaches a method as claimed in claim 10, further comprising the steps of, at said server, executing applications that include windowing environment application controls with each control associated with a preselected event for execution on said server in accordance with messages sent by said client device (column 14 lines 50-67).

13. In reference to claim 13, Domenikos teaches the method as claimed in claim 10 above, including wherein:

at said client device, generating and transmitting an open session message over said network to initiate communication with a server, said open session message including a user name, a user password and data descriptive of parameters of said client device (column 5 lines 20-67 and column 9 line 34-50);

at said server, upon receipt of said open session message, verifying said user name and password, and comparing said descriptive data representative of said client device parameters with current versions of software available for said client device to determine whether said current software versions should be downloaded to said client device, and thereafter identifying

said client device software to be downloaded in a case where it is determined that said current software should be downloaded (column 5 lines 20-67, column 9 line 34-50 and column 12 line 35 – column 13 line 50); and

at said server, generating and transmitting an application list message to said client device, said application list message including session setting data for regulating operation of said client device during a session (column 9 line 34-50 and column 12 line 35 – column 13 line 50).

14. In reference to claim 14, Domenikos teaches a method as claimed in claim 13, further comprising the steps of at said client device, receiving and interpreting said application list message in order to create a user interface allowing a user to select an application for execution on said server:

at said client device, generating a run application message descriptive of an application chosen event recognizable by said server as indicative of a user control operated to select said application for execution, and transmitting said run application message over said network to said server; at said server, receiving and interpreting said run application message, starting execution of the application selected, and providing said application with client device parameter data received from said client device in said open session message (column 9 line 34-50 and column 21 line 20 – column 22 line 55);

at said application, generating an initial form message and transmitting said initial form message to said client device; and at said client device, receiving and interpreting said initial form message, and creating a user interface including application controls in response to receipt of said initial form message (column 9 line 34-50 and column 21 line 20 – column 22 line 55).

15. In reference to claim 15, Domenikos teaches a method as claimed in claim 14, further comprising the steps of:

at said client device, generating a close application request message requesting closing of an application executing on said server and transmitting said request message to said server; at said server, determining the presence or absence of conditions interrupting or canceling closure of said executing application, and closing said executing application in the absence of such conditions; and at said server, generating an application closed message and transmitting said application closed message to said client device (column 9 line 34-50 and column 21 line 20 – column 22 line 55).

16. In reference to claim 16, Domenikos teaches a method as claimed in claim 15, further comprising the steps of communicating over plural networks including at least one wireless communication network; and communicating between plural thin-client devices and plural applications on plural server computers (column 7 lines 10-40).

17. In reference to claim 19, Domenikos teaches a method as claimed 18, further comprising the steps of:

Selecting as significant events, acknowledgements of messages received, changes in user interface, Hardware events occurring at said client device, open session requests, list application request, and close application requests (column 9 lines 34-50, column 21 lines 20-45 and column 22 lines 10-25).

18. In reference to claim 20, Domenikos teaches a method as claimed. in claim 19, further comprising the steps of:

communicating over plural networks including at least one wireless communication network; and communicating between plural thin-client devices and plural applications on plural server computers (column 7 lines 10-40).

Allowable Subject Matter

19. Claims 6,12 and 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following limitations if included in the independent claims would indicate allowable subject matter:

“wherein said control oriented protocol restricts message communication in windowing environments such that

for edit boxes, loss of focus constitutes a significant event, whereby messages representing edit boxes will be transmitted only when such edit boxes have been made to lose focus;

for list boxes, selection from such a list box constitutes a significant event, whereby messages representing list boxes will be transmitted only when a selection from such a list box has been made and messages indicative of scrolling will not be transmitted;

for combo boxes, selection of a new value constitutes a significant event, whereby messages representing combo boxes will be transmitted only when a new value has been selected;

for scroll bars, arrival at a new scroll bar position after scrolling has stopped constitutes a significant event, whereby messages representing scroll bar movement will be transmitted only after scrolling has stopped at a new scroll bar position; and

for mouse button clicks, a button click on such a mouse constitutes a significant event, whereby only mouse button clicks will be transmitted and messages indicative of mere mouse movements alone will not be transmitted.”

Response to Amendment

20. Examiner acknowledges the amendment filed on October 7, 2004. Applicant amended claims 1, 7 and 18. No claims were cancelled.

Response to Arguments

21. Applicant's arguments filed 10/7/2004 have been fully considered but they are not persuasive.

Applicant argues that Domenikos fails to teach the invention of claim 1 because the claimed invention “avoids the necessity of downloading application files or portions of executable code...”. This argument is insufficient because this features upon which applicant relies is not recited in the rejected claim(s). Although the claims are interpreted in light of the

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specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim specifically states a server computer “sending and receiving messages over a network” and a thin-client “sending to and receiving from said server”. This is interpreted to mean a server application and its corresponding components.

As to applicants arguments that Domenikos does not teach an application executable on a server, this limitation can be found in the Domenikos reference in column 10 lines 30-50.

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
February 4, 2005



SALEH NAJJAR
PRIMARY EXAMINER